

Attachment X
ENABLING LEGISLATION
Amendment to Victoria Regional Airport Commission

THE STATE OF TEXAS |
COUNTY OF VICTORIA |

RESOLUTION OF THE COMMISSIONER'S COURT OF VICTORIA COUNTY, TEXAS, AMENDING THE ENABLING LEGISLATION WHICH CREATED THE AIRPORT COMMISSION AND PRESCRIBING THE POWERS AND DUTIES THEREOF PURSUANT TO CHAPTER 22 OF THE TEXAS TRANSPORTATION CODE.

BE IT ORDERED BY THE COMMISSIONER'S COURT OF VICTORIA COUNTY, TEXAS:

1. By Resolution ordered by Victoria County Commissioners Court on April 1, 1952, the County created the Victoria County Airport Commission to promote, develop and operate the Victoria County Airport and delegated enumerated powers and authorities to said Commission. By this resolution the Victoria County Commissioners Court amends the prior resolution changing the name of the Commission to the Victoria Regional Airport Commission, defines the powers and authorities delegated to the Commission and provides a sunset provision for this Order.
2. The functions to be performed by the Victoria Regional Airport Commission are county, public and governmental functions, exercised for a public purpose as authorized by Section 22.002 of the Texas Transportation Code. As such, all board members of the Commission and employees of the Victoria Regional Airport are public officers and/or public employees and entitled to all immunities enjoyed by all public officers and employees of a County. Likewise, the Airport Commission is a governmental body subject to the Texas Open Meetings Act and the Texas Public Information Act.
3. The current appointed Board Members of the Victoria County Airport Commission shall remain as Board Members of the "Victoria Regional Airport Commission" herein sometimes referred to as the commission, for the purpose of promoting the development of the county airport, and the efficient operation thereof, and obtaining and enlarging commercial airline carriage into and from the county. The commission shall consist of five members appointed by the Commissioner's Court and shall exercise the powers and duties herein-after set out which are authorized to be delegated by the governing body of Victoria County to such airport commission as prescribed by law.
4. Each member of the commission shall be a resident citizen of the county and no person having any financial interest in any commercial carrier by air, or in any concession, right or privilege to conduct any business or render any service for compensation upon the premises of the county airport, shall be eligible for membership on the commission. All members of the commission shall serve without compensation but shall be entitled to reimbursement for all expenses reasonably incurred by them in performance of their duties as members of the commission.
5. The appointments of the members of the commission shall be for a term of three (3) years,

excepting appointments to fill vacancies, which shall only be the unexpired period of appointment of the member whose position has become vacant. All appointments to fill vacancies and the removal of any or all of said commissioners shall likewise be made by the Commissioners' Court of Victoria County, Texas. Permanent removal of residence from the county of Victoria by any member of the commission shall automatically terminate the membership of such member and create a vacancy. All current commissioners shall continue to serve until their current term expires at which time they may be reappointed or replaced at the discretion of the Victoria County Commissioners Court.

6. The commission shall elect from their members a chairman and vice-chairman and shall also appoint a secretary who may, but need not be, a member of the commission. The members of the commission shall promulgate their own rules governing times and places of their meetings and the manner of conducting the same. A majority of the commission shall constitute a quorum, and all actions taken by the commission shall be upon a majority vote of those present at any meeting. The Commission chairman or his designee shall report to Commissioners Court as to the status and performance of the airport at intervals and times designated by Commissioners Court.
7. The commission, or its duly authorized agent, acting by and with the consent of said commission, shall have all necessary and implied powers for the planning, establishment, development, construction, enlargement, improvement, maintenance, equipping, operation, regulation, protection and policing of the Victoria Regional Airport, and, as occasions therefor arise, without imposing any limitation upon its grant of general powers, shall have full power:
 - (a) To grant for compensation and upon terms fixed by it, concessions and privileges within the limits of the law.
 - (b) To rent or lease any building, structure, facility, space or privilege within the Victoria County Airport for such periods and rentals and upon such terms and provisions as it may deem fit and proper and in compliance with applicable law.
 - (c) To fix such charges for the use of the various facilities located within the Victoria County Airport as it may deem fit and proper.
 - (d) To purchase, rent or lease such material or equipment, and employ such labor as it may consider desirable or necessary for the maintenance, equipping, operation, improvement, enlargement, development, construction, protection and policing of the Victoria Regional Airport.
 - (e) To employ a competent Airport Manager of the said Airport with such assistants, airport guards, fire fighters and such other employees and servants as the commission may deem necessary, and fix the terms of such employment and all wages and salaries. Said Airport Manager shall be employed by and accountable to the Airport Commission. The cost of providing fidelity bonds for employees in positions of trust shall be paid as a cost of operation.
 - (f) When necessary, to employ legal, technical or other skilled services.
 - (g) To apply for and to receive and accept from the United States of America and/or the State of Texas, and its agencies, grants, deeds of gift, transfers, releases and other benefits, and to receipt therefor.
 - (h) To deal with, negotiate and enter into licensing agreements and other franchises from the United States of America and/or the State of Texas.

- (i) To enforce by suit or otherwise, in its own name, the payment of any monies due under any lease or contract, or for any charges, or by reason of the use made of any facilities, equipment or services, or for repairs or improvements to or storage or care of any personal property in connection with the operation of the Victoria Regional Airport or the facilities thereof.
 - (j) To buy and sell materials and supplies necessary for the efficient operation and maintenance of the airport and airport facilities, and to sell or make other proper disposition of any materials, supplies, or other items of personal property no longer required for the operation and maintenance of the airport and facilities, subject, however, to any restrictions upon the title to any such property and in compliance with applicable state laws.
 - (k) To make and establish rules and regulations for the safety and efficiency of operation and management of the airport and airport facilities, and for the protection of persons and property within the limits of the airport. All rules and regulations so made and established by the airport commission shall be certified by it and filed with the Commissioners' Court of Victoria County, Texas, and shall be effective ten (10) days after filing, unless disapproved by the said Commissioners' Court of Victoria County.
 - (l) Notwithstanding anything herein to the contrary, any contract, lease or agreement pursuant to Subsections (a), (b), (d), (e) or (h) above must be approved by the Victoria County Commissioners Court if the term of said contract, lease or agreement extends beyond January 1, 2020.
8. The Airport Commission, or its agent, acting with the consent of the Commissioners' Court of Victoria County as aforesaid, shall prepare an annual budget for the development, equipping, operation and maintenance of the municipal airport which shall be subject to the approval of the said Commissioners' Court of Victoria County. The fiscal year of the municipal airport shall commence on Jan. 1st of each year and shall end on Dec. 31st of said year.
9. All fees, charges, rentals, commissions and other revenues arising from the operation of said Airport, and of the facilities thereon, shall be collected by the commission, or by its designated agent, and deposited with the Treasurer of the County of Victoria in the name of Victoria Regional Airport Fund, and a copy of the Treasurer's receipt for each such deposit shall be promptly filed with the County Judge of the County of Victoria. All revenues derived from taxation for improvement, operation and maintenance of the county airport and all other income or grants for the use or benefit of the said airport shall likewise be deposited in said fund.
10. The said commission shall have no power to contract other than as the Airport Commission, and shall not contract or in any manner undertake to contract under the name or on behalf of the County of Victoria, and no undertaking, contract, action or inaction of the commission, singly or collectively, or of anyone employed by, or acting or holding under it, shall render the County of Victoria liable to respond in damages, or make indemnity or compensation of any character from any source, other than the income and revenues arising from the operation of the said Airport. No contract of any nature shall be binding upon the Airport Commission or considered as its act unless it

has been approved by the Commission at a duly posted and conducted meeting and signed by the person authorized to sign said contract.

11. No section of this resolution shall be construed to delegate to the said Airport Commission any power not capable of being so delegated under the law, and all powers herein delegated shall be subject to any restrictions otherwise imposed by the Laws of the State of Texas. The Airport Commission shall not have the power of eminent domain or the authority to levy and collect taxes.
12. The several sections and parts of this resolution are hereby declared to be severable, and if any section or part thereof shall be declared unconstitutional or invalid by final judgment of any court of competent jurisdiction, it shall not affect the constitutionality or validity of the remainder hereof as the same would have been enacted without the inclusion of such unconstitutional or invalid section or part thereof.
13. This resolution shall be in full force and effect from this date until January 1, 2020 at which time the Airport Commission will be dissolved and Victoria County Commissioners Court will assume full responsibility for all powers and authorities previously delegated to the Airport Commission unless otherwise ordered by the Victoria County Commissioners Court.

SIGNED this ____ day of _____, 2017.

ATTEST: _____
COUNTY CLERK AND EX-OFFICIO CLERK OF
THE COMMISSIONERS COURT OF
VICTORIA COUNTY, TEXAS

COUNTY JUDGE, VICTORIA COUNTY, TEXAS